IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE CIVIL JURISDICTION

Writ Petition No.4l50 of 2005

Dishvihar Pratishthan Solapur & anr.. petitioners
vs
The Union of India and ors ..Respondents

Mr M S Karnik for petitioners
Nomesh Datta for respondent nos.l and 2
Mr M D Siodia with Ms D S Rotiwala for respondent no. 5
Mr.G S Godbole for respondent no 6

CORAM: A.P.SHAH & D.Y.CHANDRACHUD JJ.

Dated 25.7.2005

P.C:

. Heard advocates. Perused the affidavit filed on behalf of the respondents. It is seen from the record that the respondent nos. 5 and 6 have obtained necessary permission for the construction carried out by them and the said construction is beyond the building line and no structure exceeding the height of l3 mts has been constructed before the control line. The objection of the petitioners that there is a public garden at a distance of 9l.5 mtrs also does not appear to be correct.

. The only point that has been pressed by Mr.Karnik is that the petitioner has not taken permission from the State Government for the approach road. Mr Godbole, learned counsel for the

respondent nos. 5 and 6 however, states that at present they do not intend to use the approach road and they are using the municipal road. He states that the respondent nos 5 and 6 have already applied to the State Government for such permission and they will not use of the approach road unless such permission is obtained. Petition is dismissed.